



PTO/SB/25 (09-04)

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

ASA-1075-02

In re Application of: S. KOJIMA et al

Application No.: 10/692,820

Filed: October 27, 2003

For: RADIOLOGICAL IMAGING APPARATUS AND RADIOLOGICAL IMAGING METHOD

The owner\*, Hitachi, Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/246,450 & 10/253,492, filed on 9/19/02 & 9/25/02, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 34,663

Signature

July 5, 2005

Date

Shrinath Malur, Reg. No. 34,663

Typed or printed name

07/07/2005 MBEYENE1 00000050 10692820

01 FC:1814

130.00 DP

(703) 684-1120

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL**  
**for FY 2005**Effective 12/08/2004. Fees pursuant to the Consolidated Appropriations Act.  
2004 (P.L. 4818).**Complete if Known**

Application Number	10/692,820
Filing Date	October 27, 2003
First Named Inventor	S. KOJIMA et al

Attorney Docket No.	ASA-1075-02
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TOTAL AMOUNT OF PAYMENT	(\$ 380.00)
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**METHOD OF PAYMENT (check all that apply)**
☐ Check ☒ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit

Account Number 50-1417

Deposit

Account Name MATTINGLY, STANGER &amp; MALUR, P.C.

Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1011 300	2011 150	Utility filing fee
1012 200	2012 105	Design filing fee
1013 200	2013 100	Plant filing fee
1014 300	2014 150	Reissue filing fee
1005 200	2005 100	Provisional filing fee
1111 500	2111 250	Utility Search fee
1112 100	2112 50	Design Search fee
1113 300	2113 150	Plant Search fee
1114 500	2114 250	Reissue Search fee
1311 200	2311 100	Utility Ex. fee
1312 130	2312 65	Design Ex. fee
1313 160	2313 80	Plant Ex. fee
1314 600	2314 300	Reissue Ex. fee

**Fee Paid****SUBTOTAL (1)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims 21	-20 = 1	x 50	= 50.00
Indep. Claims 4	-3 = 1	x 200	= 200.00
Multiple Dependent		360	= 250.00

**Large Entity Fee Code (\$)****Small Entity Fee Code (\$)**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple dependent claim, if not paid
1204 200	2204 100	** Reissue independent claims over original patent
1205 50	2205 25	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) \$**

\*\*or number previously paid, if greater; For Reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES****Large Entity Fee Code (\$)****Small Entity Fee Code (\$)**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
1053 130	2053 130	Non-English specification
1081 250	2081 125	Utility Application Size fee - for each 50 over 100
1082 250	2082 125	Design Application Size fee - for each 50 over 100
1812 2,520	2520 1,260	For filing a request for ex parte reexamination
1804 920*	1804 460*	Requesting publication of SIR prior to Examination action
1805 1,840*	1805 920*	Requesting publication of SIR after Examiner action
1251 110	2251 55	Extension for reply within first month
1252 430	2252 215	Extension for reply within second month
1253 980	2253 490	Extension for reply within third month
1254 1,530	2254 765	Extension for reply within fourth month
1255 2,080	2255 1,040	Extension for reply within fifth month
1401 330	2401 165	Notice of Appeal
1402 330	2402 165	Filing a brief in support of an appeal
1403 290	2403 145	Request for oral hearing
1451 1,510	2451 755	Petition to institute a public use proceeding
1452 110	2452 55	Petition to revive - unavoidable
1453 1,370	2453 685	Petition to revive - unintentional
1501 1,370	2501 685	Utility issue fee (or reissue)
1502 490	2502 245	Design issue fee
1503 660	2503 330	Plant issue fee
1460 130	2460 65	Petitions to the Commissioner
1807 50	1807 25	Processing fee under 37 CFR 1.17(q)
1806 180	1806 90	Submission of Information Disclosure Stmt
8021 40	8021 20	Recording each patent assignment per property (times number of properties)
1809 790	2809 395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 790	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))
1801 770	2801 385	Request for Continued Examination (RCE)
1802 900	1802 450	Request for expedited examination of a design application.

Other fee (specify)

Terminal Disclaimer

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

130.00

130.00

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)

Shrinath Malur

Registration No.  
(Attorney/Agent)

34,663

Telephone

703) 684-1120

Signature

Date

July 5, 2005

This collection of information is required by 37 CFR 1.17 and 1.27. The information provided is to obtain or retain a benefit for the right which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.14. The collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the information. The information is not required to be provided to the public. Any comments on the amount of time you require to complete the form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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